

# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/05/2009 (Per: PJK)



➡ Appendix A ... Pt. 05 of 06

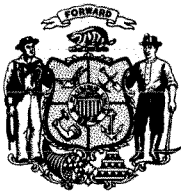
➡ The 2007 drafting file for LRB-3960

has been transferred to the drafting file for

**2009 LRB-1308**

☞ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☞ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3960/P1

ALL:bjk:nwn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1     **AN ACT** *to renumber and amend* 66.0137 (5); *to amend* 40.02 (2m), 40.02 (8)  
2         (a) 2., 40.02 (20), 40.02 (25) (b) 3., 40.08 (8) (a) 4., 40.08 (9), 40.23 (4) (e), 40.23  
3         (4) (f) (intro.), 40.24 (7) (a) (intro.), 40.24 (7) (b), 40.25 (3m), 40.52 (2), 40.55 (1),  
4         40.65 (5) (b) 1., 40.65 (5) (c), 40.65 (7) (am) (intro.), 40.65 (7) (am) 1., 40.65 (7)  
5         (am) 2., 40.65 (7) (ar) 1., 40.80 (2r) (a) 2., 40.98 (1) (b), 50.032 (2), 50.033 (2),  
6         50.06 (2) (am) 2. b., 50.06 (3) (a), 50.09 (1) (f) 1., 50.94 (3) (a), 50.95 (1), 51.30 (4)  
7         (b) 20. (intro.), 51.30 (4) (cm) (intro.), 51.30 (4) (cm) 1., 101.9208 (4m), 102.475  
8         (6), 102.49 (1), 102.49 (2), 102.49 (3), 102.51 (2) (a), 102.51 (6), 102.64 (1), 103.10  
9         (1) (b), 103.10 (1) (f), 103.10 (3) (b) 3., 103.10 (6) (b) (intro.), 103.10 (6) (b) 1.,  
10        103.10 (7) (a), 103.10 (7) (b) 1., 103.10 (12) (c), 103.165 (3) (a) 1., 103.165 (3) (a)  
11        2., 103.165 (3) (a) 3., 103.165 (3) (a) 4., 103.165 (3) (c), 103.165 (3) (d), 109.03 (3)  
12        (a), 109.03 (3) (b), 109.03 (3) (c), 146.81 (5), 155.30 (1) (form), 155.40 (2), 157.05,  
13        157.06 (9) (a) 2., 243.10 (1) (form), 243.10 (7) (b), 252.16 (1) (ar), 252.17 (3) (d),  
14        252.17 (4) (a), 252.17 (4) (d), 301.046 (4) (a) 1., 301.048 (4m) (a) 1., 301.38 (1) (a),  
15        301.46 (3) (a) 1., 302.105 (1) (a), 304.06 (1) (a) 1., 304.09 (1) (a), 321.62 (11) (a),

1 342.14 (3m), 342.17 (4) (b) 1. (intro.) and c. and 4., 614.10 (2) (c) 3., 851.17,  
2 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f) (intro.), 852.09,  
3 853.11 (2m) and (3), 853.12 (title), 853.12 (1), (2) (intro.) and (a), (3) (a) and (b)  
4 and (4) (a), 859.25 (1) (g), 861.21 (title), 861.21 (1) (b), 861.21 (2), (4) and (5),  
5 861.31 (1m), (2) and (4) (intro.) and (b), 861.33 (title), 861.33 (1) (a) (intro.) and  
6 1. and (b), 861.35 (title), 861.35 (1m), (2), (3) (a) and (4), 861.41, 867.01 (1) (b)  
7 and (3) (f), 895.04 (2) and (6), 905.05 (title), 905.05 (1), (2) and (3) (a), (b), (c) and  
8 (d), 949.01 (2), 949.06 (1m) (a), 971.17 (4m) (a) 2., 971.17 (6m) (a) 2. and 980.11  
9 (1) (b); and **to create** 40.02 (21d), 40.02 (21r), 50.032 (2d), 50.033 (2d), 50.034  
10 (3) (e), 50.035 (2d), 50.04 (2d), 50.36 (3j), 50.942, 66.0137 (5) (a), 77.25 (8n),  
11 102.51 (1) (a) 2m., 103.10 (1) (ar), 700.19 (2m), chapter 770, 851.08 and 851.295  
12 of the statutes; **relating to:** a domestic partnership registry, benefits accruing  
13 to domestic partners, and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

#### ***Establishment of domestic partnership registry***

This bill establishes a domestic partnership registry in the Office of the Secretary of State (secretary) and provides the requirements for registering and terminating a domestic partnership. Under the bill, a domestic partnership that may be registered with the secretary may be entered into by two individuals who are at least 18 years old and who are not married or in another state-registered domestic partnership. The individuals must share a common residence, they may not be nearer of kin than second cousins, and either both of them must be members of the same sex or at least one of them must be 62 years old or older. To register the domestic partnership, the individuals file with the secretary a declaration that is signed by both individuals and notarized. The secretary then issues a certificate of state-registered domestic partnership to each of the parties, who are then state-registered domestic partners (domestic partners).

To terminate a state-registered domestic partnership, at least one of the domestic partners must file with the secretary a notice of termination of state-registered domestic partnership, which must be signed by one or both of the domestic partners and notarized. If only one of the domestic partners signs the notice, he or she must also file an affidavit stating either of the following: 1) that he

or she has served the other domestic partner with notice that he or she is going to file a notice of termination of state-registered domestic partnership; or 2) that he or she has been unable to locate the other domestic partner and has published a notice in a newspaper of general circulation in the county in which the latest common residence of the domestic partners is located. Upon receipt of a notice of termination, or a notice and an affidavit, the secretary issues a certificate of termination of state-registered domestic partnership to each domestic partner. The termination of the state-registered domestic partnership is effective 90 days after the notice is filed with the secretary. However, if one or both domestic partners enters into a marriage that is valid in the state, the state-registered domestic partnership is automatically terminated on the date of the marriage.

The secretary must prepare the forms to be used for the declaration of state-registered domestic partnership and notice of termination of state-registered domestic partnership and must distribute the forms to county clerks. The forms must be available at the secretary's office, at county clerks' offices, and on the Internet. The secretary must provide copies of all declarations and notices of termination that are filed with the secretary to the state registrar, who must maintain records of the copies. The secretary must also by rule set the fees that individuals must pay for filing declarations and notices of termination.

### ***Court and evidentiary matters***

Under current law, a court reviewing a settlement or monetary judgment for the plaintiff in a wrongful death action may set aside an amount of up to 50 percent of the net settlement or judgment, after deducting collection costs, for the support of the decedent's surviving spouse or minor children. Current law permits a surviving spouse or other relatives allowed to bring a wrongful death action to satisfy and discharge the claims of the estate in settling the wrongful death claims of the surviving spouse or other relative. This bill allows the decedent's surviving domestic partner to file an action for wrongful death, to petition the court to set aside amounts of up to 50 percent of the net settlement or judgment of the wrongful death claims for the support of the domestic partner and allows the domestic partner to discharge the claims of the estate in settling the domestic partner's wrongful death claims.

Under current law, a person has the right to evoke the spousal privilege and prevent the person's current or former spouse from testifying about private communications between the spouses or former spouses, subject to certain exclusions. This bill allows a person to prevent the person's current or former domestic partners from testifying about private communications between the domestic partners or former domestic partners, subject to the same exclusions.

### ***Employee benefits***

**Worker's compensation.** Under current worker's compensation law, when death results from an injury sustained by an employee while performing services growing out of and incidental to employment, the employee's dependents, including a spouse who is living with the employee at the time of death, are entitled to a death benefit. This bill extends death benefits under the worker's compensation law to a domestic partner of a deceased employee who is living with the deceased employee at the time of death.

**Family leave.** Under current law, an employee of an employer employing 50 or more individuals on a permanent basis may take up to six weeks of family leave in a 12-month period to care for a child, spouse, or parent of the employee, or the parent of the spouse of the employee, who has a serious health condition. This bill permits such an employee to take family leave to care for a domestic partner, or the parent of a domestic partner, who has a serious health condition.

**Wage and cash bond payments.** Under current law, if an employee to whom wages are due dies, the employer must, upon demand, pay the wages to the spouse, children, or other dependent living with the employee at the time of death. The employer may, before an application is filed for the administration of the deceased employee's estate, make that payment to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed.

Similarly, if an employee who is required to furnish a cash bond dies, the employer may, before an application is filed for the administration of the deceased employee's estate, withdraw the cash bond and turn it over to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed.

This bill requires an employer of a deceased employee who was required to furnish a cash bond or to whom wages are due to turn over the cash bond or pay the wages to the domestic partner of the deceased employee.

**Public employee benefits.** The bill provides that domestic partners must be treated in the same manner as spouses with respect to all pension benefits provided to public employees who are covered under the Wisconsin Retirement System and all other benefits provided to state employees.

### ***Insurance matters***

Under a program in current law, the Department of Health and Family Services (DHFS) provides subsidies to eligible persons to pay premiums for health insurance provided through the person's employer if the person's employment has been terminated or his or her hours have been reduced or he or she is on medical leave because of an illness or condition related to a human immunodeficiency virus (HIV) infection. DHFS may provide the subsidies even if the insurance covers the person's spouse and dependants. The bill provides that DHFS may also provide the subsidies if the insurance covers the person's domestic partner.

Under current law, a local governmental unit (which includes a city, village, town, county, school district, sewerage district, and drainage district) may provide health and life insurance for employees, officers, and their spouses and dependent children. Under this bill, such coverage may also be provided for an employee's and officer's domestic partner and dependent children.

### ***Health and mental health care and after-death decision making***

Currently, all patient health care records are confidential and, with numerous exceptions, may be released only to persons with the written, informed consent of the patient or of a person authorized by the patient. A "person authorized by the patient" is, for an adult, the patient's guardian, a person authorized in writing by the patient, or the agent under the patient's power of attorney for health care. For a deceased patient, the patient's personal representative or spouse is the person authorized by the patient. If no spouse survives a decedent, an adult member of the deceased

patient's immediate family is the person authorized by the patient. The authorization permits inspection and receipt of copies of the patient's health care records. The bill authorizes a domestic partner of a deceased patient to be the person authorized by the patient for purposes of release of the patient's health care records.

Under current law, an individual's treatment records (records of services for mental illness, developmental disability, alcoholism, or drug dependence) generally are confidential and privileged to the individual, but may be released without informed written consent under numerous circumstances. Under one of the circumstances, a spouse, parent, adult child, or sibling who is directly involved in providing care to or monitoring the treatment of an individual may, upon request, receive certain limited information from the individual's mental illness or developmental disability treatment records. Under another circumstance, the parent, child, sibling, or spouse of an individual who is a patient at a public or private treatment hospital, a law enforcement officer, or a mental health professional may receive certain information about the location of the individual, unless the individual has requested that the information be withheld or there is reasonable cause to believe that the information would result in danger to the individual. The bill authorizes the domestic partner of an individual who is receiving treatment for mental illness or developmental disability to receive information from the treated individual's treatment records and about the individual's location.

Currently, certain persons, in a specified order of priority, may consent to admission directly to a hospice or directly from a hospital to a nursing home or community-based residential facility (C-BRF) of an incapacitated individual who does not have a valid power of attorney for health care and has not been adjudicated incompetent. The priority for these persons in relationship to the incapacitated individual is spouse; adult child; parent; adult sibling; grandparent or adult grandchild (for admission to a nursing home or C-BRF); and adult close friend. Consent for admission may not be made if the individual, or certain persons within the order of priority, objects. The bill classifies an incapacitated individual's domestic partner in the same priority as a spouse for the purpose of admitting the individual to a nursing home, C-BRF, or hospice.

Under current law, if both spouses are residents of the same nursing home or C-BRF, they may be permitted to share a room, unless medically contraindicated. The bill permits the sharing of a room by both domestic partners if both are residents of the same nursing home or C-BRF.

The bill requires a hospital, nursing home, community-based residential facility, certified or licensed adult family home, residential care apartment complex, or hospice that has a policy on visiting patients to extend the same right of visitation to a patient's domestic partner as is accorded the spouse of a patient under the policy.

Currently, a health care power of attorney and a durable power of attorney for finances under which the principal's agent is his or her spouse is terminated if the marriage is annulled or ends in divorce. This bill terminates a health care power of attorney and a durable power of attorney for finances under which the principal's agent is his or her domestic partner if the domestic partnership is terminated.

Currently, certain reasonably available persons may, under a specified order of priority, make a donation of all or part of another's body near or upon the donor's death (anatomical gift) for use in transplantation or other purposes. The priority in authority for these persons in relationship to the donor is agent under a health care power of attorney, spouse, adult child, parent, adult sibling, adult grandchild, grandparent, adult who has exhibited special care and concern for the donor, guardian, and any other person who has authority to dispose of the individual's body. An anatomical gift may not be made by any of these persons if the decedent has made an unrevoked refusal or objections to donate or if a majority of members in the same class in priority objects. The bill classifies the decedent's domestic partner in the same priority as a spouse for the purpose of making an anatomical gift of the decedent's body or part of the decedent's body.

### ***Probate matters***

This bill defines a "surviving domestic partner" as a person who was the domestic partner of the decedent at the time of the decedent's death, and mirrors the definition of "surviving spouse" by excluding a person who was the domestic partner of the decedent and who sought a termination of the domestic partnership, if the secretary failed to issue a valid certificate of termination for the domestic partnership, unless the person and the decedent subsequently registered as domestic partners or held themselves out as domestic partners. The bill further excludes from the definition of surviving domestic partner persons who were the domestic partner of the decedent but have subsequently married a third person or have registered a domestic partnership with a third person, or a person who was a party to a proceeding that concluded with an order terminating the person's property rights based on the domestic partnership.

This bill establishes that in probate cases, the following rights for the surviving domestic partner of a decedent are equivalent to the rights of a surviving spouse:

1. The surviving domestic partner of a decedent who dies intestate is entitled to inherit all of the decedent's estate unless the decedent had children that were not also the children of the surviving domestic partner, in which case the surviving domestic partner receives half of the intestate estate.

2. A surviving domestic partner may petition the court for the full property interest the decedent had in a home, subject to payment to the estate of the value of that interest the surviving domestic partner is not entitled to under a governing instrument or under intestacy, within one year from the decedent's death.

3. If a decedent executed his or her will before the registration of the domestic partnership, the surviving domestic partner is entitled to a share of the decedent's estate equivalent to what the share would be if the decedent died intestate, subject to certain reductions, unless the will was executed in contemplation of the domestic partnership or was intended to apply notwithstanding the decedent subsequently entering into a domestic partnership.

4. A surviving domestic partner may petition the probate court for an allowance for support, but the court may order that sum be charged against interest or principal from the estate to which the surviving domestic partner is entitled and the court may apply that allowance against amounts owed for assuming the decedent's full interest

in a home. The court may distribute a special allowance for support of the surviving domestic partner even if the distribution of such an allowance would harm the interests of a creditor, after performing a balancing test of the needs of the surviving domestic partner versus the needs of the creditor.

5. A surviving domestic partner may select from the estate certain personal and household items and may be entitled to household items necessary for the maintenance of the home, notwithstanding that those items were bequeathed to another heir.

6. A surviving domestic partner may petition the court to set aside an amount for his or her support of up to \$10,000 in value that will be exempt from the claims of the estate's creditors.

7. If the value of the decedent's estate, less the amounts of debt secured by property of the estate, does not exceed \$50,000, a surviving domestic partner may settle the estate under summary procedures without the need to appoint a personal representative of the estate.

### ***Property matters***

Under current law, if persons named as owners in a document of title or as transferees or buyers in an instrument of transfer are described as husband and wife or are in fact husband and wife, the owners, transferees, or buyers are joint tenants. The bill provides that domestic partners are also joint tenants if they are named as owners in a document of title or as transferees or buyers in an instrument of transfer.

Under current law, the transfer of real property between spouses is exempt from the real estate transfer fee. Under the bill, the transfer of real property between an individual and his or her domestic partner is exempt from the real estate transfer fee.

### ***Motor vehicle titles***

Under current law, the Department of Transportation (DOT) collects a supplemental vehicle title fee in connection with applications for certificates of title for new vehicles and for vehicles the ownership of which has been transferred. However, this fee is waived for transfer of a decedent's interest in a vehicle to his or her surviving spouse. Also under current law, with an exception, DOT must transfer a decedent's interest in a vehicle to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these motor vehicle transfer provisions.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.



For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 40.02 (2m) of the statutes is amended to read:

2       40.02 (2m) "Alternate payee" means a former spouse or domestic partner of a  
3 participant who is named in a qualified domestic relations order as having a right  
4 to receive a portion of the benefits of the participant.

5       **SECTION 2.** 40.02 (8) (a) 2. of the statutes, as affected by 2007 Wisconsin Act 131,  
6 is amended to read:

7       40.02 (8) (a) 2. In the absence of a written designation of beneficiary, or if all  
8 designated beneficiaries who survive the decedent die before filing with the  
9 department a beneficiary designation applicable to that death benefit or an  
10 application for any death benefit payable, the person determined in the following  
11 sequence: group 1, surviving spouse or surviving domestic partner; group 2, children  
12 of the deceased participant, employee or annuitant, in equal shares, with the share  
13 of any deceased child payable to the issue of the child or, if there is no surviving issue  
14 of a deceased child, to the other eligible children in this group or, if deceased, their  
15 issue; group 3, parent, in equal shares if both survive; group 4, brother and sister in  
16 equal shares and the issue of any deceased brother or sister. The shares payable to  
17 the issue of a person shall be determined per stirpes. No payment may be made to  
18 a person included in any group if there is a living person in any preceding group, and  
19 s. 854.04 (6) shall not apply to a determination under this subsection.

20       **SECTION 3.** 40.02 (20) of the statutes is amended to read:

1           40.02 (20) "Dependent" means the spouse, domestic partner, minor child,  
2 including stepchildren of the current marriage or domestic partnership dependent  
3 on the employee for support and maintenance, or child of any age, including  
4 stepchildren of the current marriage or domestic partnership, if handicapped to an  
5 extent requiring continued dependence. For group insurance purposes only, the  
6 department may promulgate rules with a different definition of "dependent" than the  
7 one otherwise provided in this subsection for each group insurance plan.

8           **SECTION 4.** 40.02 (21d) of the statutes is created to read:

9           40.02 (21d) "Domestic partner" means a state-registered domestic partner  
10 under s. 770.05.

11           **SECTION 5.** 40.02 (21r) of the statutes is created to read:

12           40.02 (21r) "Domestic partnership" means a state-registered domestic  
13 partnership under s. 770.07.

14           **SECTION 6.** 40.02 (25) (b) 3. of the statutes is amended to read:

15           40.02 (25) (b) 3. The surviving spouse or domestic partner of an employee, or  
16 of a retired employee, who is currently covered by health insurance at the time of  
17 death of the employee or retired employee. The spouse or domestic partner shall  
18 have the same right to health insurance coverage as the deceased employee or retired  
19 employee, but without state contribution, under rules promulgated by the secretary.

20           **SECTION 7.** 40.08 (8) (a) 4. of the statutes is amended to read:

21           40.08 (8) (a) 4. The former spouse or domestic partner of a participant who is  
22 an alternate payee and whom the department cannot locate by reasonable efforts,  
23 with such efforts beginning by the end of the month in which the participant attains,  
24 or would have attained, the age of 65, shall be considered to have abandoned all  
25 benefits under the Wisconsin retirement system on the date on which the participant

1 attains, or would have attained, the age of 70. The department shall close the  
2 alternate payee's account and shall transfer the moneys in the account to the  
3 employer accumulation reserve. The department shall restore the alternate payee's  
4 account and shall debit the employer accumulation reserve accordingly if the  
5 alternate payee subsequently applies for retirement benefits under this chapter  
6 before the participant attains or would have attained the age of 80.

7 **SECTION 8.** 40.08 (9) of the statutes is amended to read:

8 **40.08 (9) PAYMENTS OF BENEFITS TO MINORS AND INDIVIDUALS FOUND INCOMPETENT.**

9 In any case in which a benefit amount becomes payable to a minor or to an individual  
10 adjudicated incompetent, the department may waive guardianship proceedings, and  
11 pay the benefit to the person providing for or caring for the minor, or to the spouse  
12 or domestic partner, parent, or other relative by blood or adoption providing for or  
13 caring for the individual adjudicated incompetent.

14 **SECTION 9.** 40.23 (4) (e) of the statutes is amended to read:

15 **40.23 (4) (e) 1.** Subject to subds. 2. to 4., if a participant dies before the  
16 distribution of benefits has commenced and the participant's beneficiary is the  
17 spouse or domestic partner, the department shall begin the distribution within 5  
18 years after the date of the participant's death.

19 **2.** If the spouse or domestic partner files a subsequent beneficiary designation  
20 with the department, the payment of the distribution may be deferred until the  
21 January 1 of the year in which the participant would have attained the age of 70.5  
22 years.

23 **3.** If the spouse or domestic partner does not apply for a distribution, the  
24 distribution shall begin as an automatic distribution as provided under subd. 1. or  
25 under par. (c), whichever distribution date is earlier.

1           4. If the spouse or domestic partner dies, but has designated a new beneficiary,  
2           the birth date of the spouse or domestic partner shall be used for the purposes of  
3           determining the required beginning date.

4           5. The department shall specify by rule all procedures relating to an automatic  
5           distribution to the spouse or domestic partner. These rules shall comply with the  
6           internal revenue code.

7           **SECTION 10.** 40.23 (4) (f) (intro.) of the statutes is amended to read:

8           40.23 (4) (f) (intro.) If a participant dies before the distribution of benefits has  
9           commenced and the participant's beneficiary is not the spouse or domestic partner,  
10          the beneficiary shall do one of the following:

11          **SECTION 11.** 40.24 (7) (a) (intro.) of the statutes is amended to read:

12          40.24 (7) (a) (intro.) Any participant who has been married to the same spouse,  
13          or in a domestic partnership with the same domestic partner, for at least one year  
14          immediately preceding the participant's annuity effective date shall elect the  
15          annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced  
16          annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1)  
17          (d), or an annuity option in a form provided by rule, if the annuity is payable for life  
18          with monthly payments of at least 75% of the amount of the annuity to be continued  
19          to the beneficiary, for life, upon the death of the participant, and the participant shall  
20          designate the spouse or domestic partner as the beneficiary, unless the participant's  
21          application for a retirement annuity in a different optional annuity form is signed  
22          by both the participant and the participant's spouse or domestic partner or unless the  
23          participant establishes to the satisfaction of the department that, by reason of  
24          absence or other inability, the spouse's or domestic partner's signature may not be  
25          obtained. This subsection does not apply to any of the following:

1           **SECTION 12.** 40.24 (7) (b) of the statutes is amended to read:

2           40.24 (7) (b) In administering this subsection, the secretary may require the  
3 participant to provide the department with a certification of the participant's marital  
4 or domestic partnership status and of the validity of the spouse's or domestic  
5 partner's signature. If a participant is exempted from the requirements under par.  
6 (a) on the basis of a certification which the department or a court subsequently  
7 determines to be invalid, the liability of the fund and the department shall be limited  
8 to a conversion of annuity options at the time the certification is determined to be  
9 invalid. The conversion shall be from the present value of the annuity in the optional  
10 form originally elected by the participant to an annuity with the same present value  
11 but in the optional form under sub. (1) (d) and with monthly payments of 100% of the  
12 amount of the annuity paid to the annuitant to be continued to the spouse or domestic  
13 partner beneficiary.

14           **SECTION 13.** 40.25 (3m) of the statutes is amended to read:

15           40.25 (3m) A participant's application for a lump sum payment under sub. (1)  
16 (b) or (2), filed after May 7, 1994, shall be signed by both the participant and the  
17 participant's spouse or domestic partner, if the participant has been married to that  
18 spouse, or in a domestic partnership with that domestic partner, for at least one year  
19 immediately preceding the date the application is filed. The department may  
20 promulgate rules that allow for the waiver of the requirements of this subsection for  
21 a situation in which, by reason of absence or incompetency, the spouse's or domestic  
22 partner's signature may not be obtained. This subsection does not apply to any  
23 benefits paid from accumulated additional contributions.

24           **SECTION 14.** 40.52 (2) of the statutes is amended to read:

1           40.52 (2) Health insurance benefits under this subchapter shall be integrated,  
2           with exceptions determined appropriate by the group insurance board, with benefits  
3           under federal plans for hospital and health care for the aged and disabled.  
4           Exclusions and limitations with respect to benefits and different rates may be  
5           established for persons eligible under federal plans for hospital and health care for  
6           the aged and disabled in recognition of the utilization by persons within the age  
7           limits eligible under the federal program. The plan may include special provisions  
8           for spouses, domestic partners, and other dependents covered under a plan  
9           established under this subchapter where one spouse or domestic partner is eligible  
10          under federal plans for hospital and health care for the aged but the others are not  
11          eligible because of age or other reasons. As part of the integration, the department  
12          may, out of premiums collected under s. 40.05 (4), pay premiums for the federal  
13          health insurance.

14           **SECTION 15.** 40.55 (1) of the statutes, as affected by 2007 Wisconsin Act 168,  
15          is amended to read:

16           40.55 (1) Except as provided in sub. (5), the state shall offer, through the group  
17          insurance board, to eligible employees under s. 40.02 (25) (bm) and to state  
18          annuitants long-term care insurance policies which have been filed with the office  
19          of the commissioner of insurance and which have been approved for offering under  
20          contracts established by the group insurance board if the insurer requests that the  
21          policy be offered and the state shall also allow an eligible employee or a state  
22          annuitant to purchase those policies for his or her spouse, domestic partner, or  
23          parent.

24           **SECTION 16.** 40.65 (5) (b) 1. of the statutes is amended to read:

1           40.65 (5) (b) 1. Any OASDHI benefit payable to the participant or the  
2 participant's spouse, domestic partner, or a dependent because of the participant's  
3 work record.

4           **SECTION 17.** 40.65 (5) (c) of the statutes is amended to read:

5           40.65 (5) (c) The Wisconsin retirement board may not reduce a participant's  
6 benefit because of income or benefits that are attributable to the earnings or work  
7 record of the participant's spouse, domestic partner, or other member of the  
8 participant's family, or because of income or benefits attributable to an insurance  
9 contract, including income continuation programs.

10          **SECTION 18.** 40.65 (7) (am) (intro.) of the statutes is amended to read:

11          40.65 (7) (am) (intro.) This paragraph applies to benefits based on applications  
12 filed on or after May 3, 1988. If a protective occupation participant dies as a result  
13 of an injury or a disease for which a benefit is paid or would be payable under sub.  
14 (4), and the participant is survived by a spouse, domestic partner, or an unmarried  
15 child under the age of 18, a monthly benefit shall be paid as follows:

16          **SECTION 19.** 40.65 (7) (am) 1. of the statutes is amended to read:

17          40.65 (7) (am) 1. To the surviving spouse or domestic partner until the  
18 surviving spouse remarries or the surviving domestic partner enters into a new  
19 domestic partnership or marries, if the spouse was married to the participant on the  
20 date that the participant was disabled under sub. (4) or the domestic partner was in  
21 a domestic partnership with the participant on the date that the participant was  
22 disabled under sub. (4), 50% of the participant's monthly salary at the time of death,  
23 but reduced by any amount payable under sub. (5) (b) 1. to 6.

24          **SECTION 20.** 40.65 (7) (am) 2. of the statutes is amended to read:

1           40.65 (7) (am) 2. To a guardian for each of that guardian's wards who is an  
2 unmarried surviving child under the age of 18, 10% of the participant's monthly  
3 salary at the time of death, payable until the child marries, dies or reaches the age  
4 of 18, whichever occurs first. The marital or domestic partnership status of the  
5 surviving spouse or domestic partner shall have no effect on the payments under this  
6 subdivision.

7           **SECTION 21.** 40.65 (7) (ar) 1. of the statutes is amended to read:

8           40.65 (7) (ar) 1. This paragraph applies to benefits based on applications filed  
9 on or after May 12, 1998. If a protective occupation participant, who is covered by  
10 the presumption under s. 891.455, dies as a result of an injury or a disease for which  
11 a benefit is paid or would be payable under sub. (4), and the participant is survived  
12 by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly  
13 benefit shall be paid as follows:

14           a. To the surviving spouse or domestic partner until the surviving spouse or  
15 domestic partner remarries or enters into a new domestic partnership, if the  
16 surviving spouse was married to the participant on the date that the participant was  
17 disabled under sub. (4) or the domestic partner was in a domestic partnership with  
18 the participant on the date that the participant was disabled under sub. (4), 70% of  
19 the participant's monthly salary at the time of death, but reduced by any amount  
20 payable under sub. (5) (b) 1. to 6.

21           b. If there is no surviving spouse or domestic partner or the surviving spouse  
22 or domestic partner subsequently dies, to a guardian for each of that guardian's  
23 wards who is an unmarried surviving child under the age of 18, 10% of the  
24 participant's monthly salary at the time of death, payable until the child marries,  
25 dies or reaches the age of 18, whichever occurs first.



1       **SECTION 22.** 40.80 (2r) (a) 2. of the statutes is amended to read:

2       40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held  
3       in a deferred compensation plan under this subchapter to a spouse, former spouse,  
4       domestic partner, former domestic partner, child, or other dependent to satisfy a  
5       family support or marital property obligation.

6       **SECTION 23.** 40.98 (1) (b) of the statutes is amended to read:

7       40.98 (1) (b) "Dependent" means a spouse or domestic partner, an unmarried  
8       child under the age of 19 years, an unmarried child who is a full-time student under  
9       the age of 21 years and who is financially dependent upon the parent, or an  
10      unmarried child of any age who is medically certified as disabled and who is  
11      dependent upon the parent.

12      **SECTION 24.** 50.032 (2) of the statutes is amended to read:

13      50.032 (2) REGULATION. Standards Except as provided in sub. (2d), standards  
14      for operation of certified adult family homes and procedures for application for  
15      certification, monitoring, inspection, decertification and appeal of decertification  
16      under this section shall be under rules promulgated by the department under s.  
17      50.02 (2) (am) 1. An adult family home certification is valid until decertified under  
18      this section. Certification is not transferable.

19      **SECTION 25.** 50.032 (2d) of the statutes is created to read:

20      50.032 (2d) ACCOMPANIMENT OR VISITATION. If an adult family home has a policy  
21      on who may accompany or visit a patient, the adult family home shall extend the  
22      same right of accompaniment or visitation to a patient's state-registered domestic  
23      partner under s. 770.05 as is accorded the spouse of a patient under the policy.

24      **SECTION 26.** 50.033 (2) of the statutes is amended to read:

1           **50.033 (2) REGULATION.** Standards Except as provided in sub. (2d), standards  
2       for operation of licensed adult family homes and procedures for application for  
3       licensure, monitoring, inspection, revocation and appeal of revocation under this  
4       section shall be under rules promulgated by the department under s. 50.02 (2) (am)  
5       2. An adult family home licensure is valid until revoked under this section.  
6       Licensure is not transferable. The biennial licensure fee for a licensed adult family  
7       home is \$135. The fee is payable to the county department under s. 46.215, 46.22,  
8       46.23, 51.42 or 51.437, if the county department licenses the adult family home under  
9       sub. (1m) (b), and is payable to the department, on a schedule determined by the  
10      department if the department licenses the adult family home under sub. (1m) (b).

11           **SECTION 27.** 50.033 (2d) of the statutes is created to read:

12           **50.033 (2d) ACCOMPANIMENT OR VISITATION.** If an adult family home has a policy  
13      on who may accompany or visit a patient, the adult family home shall extend the  
14      same right of accompaniment or visitation to a patient's state-registered domestic  
15      partner under s. 770.05 as is accorded the spouse of a patient under the policy.

16           **SECTION 28.** 50.034 (3) (e) of the statutes is created to read:

17           **50.034 (3) (e)** If a residential care apartment complex has a policy on who may  
18      accompany or visit a patient, the residential care apartment complex shall extend  
19      the same right of accompaniment or visitation to a patient's state-registered  
20      domestic partner under s. 770.05 as is accorded the spouse of a patient under the  
21      policy.

22           **SECTION 29.** 50.035 (2d) of the statutes is created to read:

23           **50.035 (2d) ACCOMPANIMENT OR VISITATION.** If a community-based residential  
24      facility has a policy on who may accompany or visit a patient, the community-based  
25      residential facility shall extend the same right of accompaniment or visitation to a

1 patient's state-registered domestic partner under s. 770.05 as is accorded the spouse  
2 of a patient under the policy.

3 **SECTION 30.** 50.04 (2d) of the statutes is created to read:

4 50.04 (2d) ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who  
5 may accompany or visit a patient, the nursing home shall extend the same right of  
6 accompaniment or visitation to a patient's state-registered domestic partner under  
7 s. 770.05 as is accorded the spouse of a patient under the policy.

8 **SECTION 31.** 50.06 (2) (am) 2. b. of the statutes is amended to read:

9 50.06 (2) (am) 2. b. The individual who is consenting to the proposed admission  
10 is the spouse or state-registered domestic partner under s. 770.05 of the  
11 incapacitated person.

12 **SECTION 32.** 50.06 (3) (a) of the statutes is amended to read:

13 50.06 (3) (a) The spouse or state-registered domestic partner under s. 770.05  
14 of the incapacitated individual.

15 **SECTION 33.** 50.09 (1) (f) 1. of the statutes, as affected by 2007 Wisconsin Act  
16 97, is amended to read:

17 50.09 (1) (f) 1. Privacy for visits by spouse or state-registered domestic partner.  
18 If both spouses or both state-registered domestic partners under s. 770.05 are  
19 residents of the same facility, they the spouses or domestic partners shall be  
20 permitted to share a room unless medically contraindicated as documented by the  
21 resident's physician or advanced practice nurse prescriber in the resident's medical  
22 record.

23 **SECTION 34.** 50.36 (3j) of the statutes is created to read:

24 50.36 (3j) If a hospital has a policy on who may accompany or visit a patient,  
25 the hospital shall extend the same right of accompaniment or visitation to a patient's

1 state-registered domestic partner under s. 770.05 as is accorded the spouse of a  
2 patient under the policy.

3 **SECTION 35.** 50.94 (3) (a) of the statutes is amended to read:

4 50.94 (3) (a) The spouse or state-registered domestic partner under s. 770.05  
5 of the person who is incapacitated.

6 **SECTION 36.** 50.942 of the statutes is created to read:

7 **50.942 Accompaniment or visitation.** If a hospice has a policy on who may  
8 accompany or visit a patient, the hospice shall extend the same right of  
9 accompaniment or visitation to a patient's state-registered domestic partner under  
10 s. 770.05 as is accorded the spouse of a patient under the policy.

11 **SECTION 37.** 50.95 (1) of the statutes is amended to read:

12 50.95 (1) Standards Except as provided in s. 50.942, standards for the care,  
13 treatment, health, safety, rights, welfare and comfort of individuals with terminal  
14 illness, their families and other individuals who receive palliative care or supportive  
15 care from a hospice and the maintenance, general hygiene and operation of a hospice,  
16 which will permit the use of advancing knowledge to promote safe and adequate care  
17 and treatment for these individuals. These standards shall permit provision of  
18 services directly, as required under 42 CFR 418.56, or by contract under which  
19 overall coordination of hospice services is maintained by hospice staff members and  
20 the hospice retains the responsibility for planning and coordination of hospice  
21 services and care on behalf of a hospice client and his or her family, if any.

22 **SECTION 38.** 51.30 (4) (b) 20. (intro.) of the statutes is amended to read:

23 51.30 (4) (b) 20. (intro.) Except with respect to the treatment records of a  
24 subject individual who is receiving or has received services for alcoholism or drug  
25 dependence, to the spouse, state-registered domestic partner under s. 770.05,

1 parent, adult child or sibling of a subject individual, if the spouse, domestic partner,  
2 parent, adult child or sibling is directly involved in providing care to or monitoring  
3 the treatment of the subject individual and if the involvement is verified by the  
4 subject individual's physician, psychologist or by a person other than the spouse,  
5 domestic partner, parent, adult child or sibling who is responsible for providing  
6 treatment to the subject individual, in order to assist in the provision of care or  
7 monitoring of treatment. Except in an emergency as determined by the person  
8 verifying the involvement of the spouse, domestic partner, parent, adult child or  
9 sibling, the request for treatment records under this subdivision shall be in writing,  
10 by the requester. Unless the subject individual has been adjudicated incompetent  
11 in this state, the person verifying the involvement of the spouse, domestic partner,  
12 parent, adult child or sibling shall notify the subject individual about the release of  
13 his or her treatment records under this subdivision. Treatment records released  
14 under this subdivision are limited to the following:

15 **SECTION 39.** 51.30 (4) (cm) (intro.) of the statutes is amended to read:

16 51.30 (4) (cm) *Required access to certain information.* (intro.) Notwithstanding  
17 par. (a), treatment records of an individual shall, upon request, be released without  
18 informed written consent, except as restricted under par. (c), to the parent, child,  
19 sibling, ~~or spouse~~, or state-registered domestic partner under s. 770.05 of an  
20 individual who is or was a patient at an inpatient facility; to a law enforcement officer  
21 who is seeking to determine whether an individual is on unauthorized absence from  
22 the facility; and to mental health professionals who are providing treatment to the  
23 individual at the time that the information is released to others. Information  
24 released under this paragraph is limited to notice as to whether or not an individual  
25 is a patient at the inpatient facility and, if the individual is no longer a patient at the

1 inpatient facility, the facility or other place, if known, at which the individual is  
2 located. This paragraph does not apply under any of the following circumstances:

3 **SECTION 40.** 51.30 (4) (cm) 1. of the statutes is amended to read:

4 51.30 (4) (cm) 1. To the individual's parent, child, sibling, ~~or spouse, or~~  
5 state-registered domestic partner under s. 770.05 who is requesting information, if  
6 the individual has specifically requested that the information be withheld from the  
7 parent, child, sibling, ~~or spouse, or domestic partner.~~

8 **SECTION 41.** 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and  
9 amended to read:

10 66.0137 (5) (b) The state or a local governmental unit may provide for the  
11 payment of premiums for hospital, surgical and other health and accident insurance  
12 and life insurance for employees and officers ~~and~~ their spouses and dependent  
13 children, and their state-registered domestic partner under s. 770.05 and dependent  
14 children. A local governmental unit may also provide for the payment of premiums  
15 for hospital and surgical care for its retired employees. In addition, a local  
16 governmental unit may, by ordinance or resolution, elect to offer to all of its  
17 employees a health care coverage plan through a program offered by the group  
18 insurance board under ch. 40. A local governmental unit that elects to participate  
19 under s. 40.51 (7) is subject to the applicable sections of ch. 40 instead of this  
20 subsection.

21 **SECTION 42.** 66.0137 (5) (a) of the statutes is created to read:

22 66.0137 (5) (a) In this subsection, "local governmental unit" includes the school  
23 district operating under ch. 119.

24 **SECTION 43.** 77.25 (8n) of the statutes is created to read:

1           77.25 (8n) Between an individual and his or her state-registered domestic  
2 partner under s. 770.05.

3           **SECTION 44.** 101.9208 (4m) of the statutes is amended to read:

4           101.9208 (4m) Upon filing an application under sub. (1) or (4), a supplemental  
5 title fee to be paid by the owner of the manufactured home, except that this fee shall  
6 be waived with respect to an application under sub. (4) for transfer of a decedent's  
7 interest in a manufactured home to his or her surviving spouse or state-registered  
8 domestic partner under s. 770.05. The fee required under this subsection shall be  
9 paid in addition to any other fee specified in this section.

10          **SECTION 45.** 102.475 (6) of the statutes is amended to read:

11          102.475 (6) PROOF. In administering this section the department may require  
12 reasonable proof of birth, marriage, state-registered domestic partnership under s.  
13 770.07, relationship, or dependency.

14          **SECTION 46.** 102.49 (1) of the statutes is amended to read:

15          102.49 (1) ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the wife  
16 ~~or husband~~ spouse or state-registered domestic partner under s. 770.05 of the  
17 deceased employee and is wholly dependent for support, an additional death benefit  
18 shall be paid from the funds provided by sub. (5) for each child by their marriage or  
19 state-registered domestic partnership under s. 770.07 who is living at the time of the  
20 death of the employee, and who is likewise wholly dependent upon the employee for  
21 support. ~~Such~~ That payment shall commence at the time that primary death benefit  
22 payments are completed, or, if advancement of compensation has been paid, at the  
23 time when payments would normally have been completed. Payments shall continue  
24 at the rate of 10% 10 percent of the surviving parent's weekly indemnity until the  
25 child's 18th birthday. If the child is physically or mentally incapacitated, such

1 payments may be continued beyond the child's 18th birthday but the payments may  
2 not continue for more than a total of 15 years.

3 **SECTION 47.** 102.49 (2) of the statutes is amended to read:

4 102.49 (2) A child lawfully adopted by the deceased employee ~~and or~~ the  
5 surviving spouse or state-registered domestic partner under s. 770.05, prior to the  
6 time of the injury, and a child not the deceased employee's own by birth or adoption  
7 but living with the deceased employee as a member of the deceased employee's family  
8 at the time of the injury shall for the purpose of this section be taken as a child by  
9 their marriage or state-registered domestic partnership under s. 770.07.

10 **SECTION 48.** 102.49 (3) of the statutes is amended to read:

11 102.49 (3) If the employee leaves a spouse or state-registered domestic partner  
12 under s. 770.05 wholly dependent and also a child by a former marriage,  
13 state-registered domestic partnership under s. 770.07, or adoption, likewise wholly  
14 dependent, aggregate benefits shall be the same in amount as if the child were the  
15 child of the surviving spouse or partner, and the entire benefit shall be apportioned  
16 to the dependents in the amounts that the department ~~shall determine~~ determines  
17 to be just, considering the ages of the dependents and other factors bearing on  
18 dependency. The benefit awarded to the surviving spouse or partner shall not exceed  
19 4 times the average annual earnings of the deceased employee.

20 **SECTION 49.** 102.51 (1) (a) 2m. of the statutes is created to read:

21 102.51 (1) (a) 2m. A state-registered domestic partner under s. 770.05 upon  
22 his or her partner with whom he or she is living at the time of the partner's death.

23 **SECTION 50.** 102.51 (2) (a) of the statutes is amended to read:

24 102.51 (2) (a) No person shall be considered a dependent unless that person is  
25 a spouse, a state-registered domestic partner under s. 770.05, a divorced spouse who



1 has not remarried, or a lineal descendant, lineal ancestor, brother, sister, or other  
2 member of the family, whether by blood or by adoption, of the deceased employee.

3 **SECTION 51.** 102.51 (6) of the statutes is amended to read:

4 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent  
5 child may be awarded to either parent in the discretion of the department.  
6 Notwithstanding sub. (1), the department may reassign the death benefit, in  
7 accordance with their respective needs ~~therefor~~ for the death benefit as between a  
8 surviving spouse or a state-registered domestic partner under s. 770.05 and children  
9 designated in sub. (1) and s. 102.49.

10 **SECTION 52.** 102.64 (1) of the statutes is amended to read:

11 102.64 (1) Upon request of the department of administration, a representative  
12 of the department of justice shall represent the state in cases involving payment into  
13 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The  
14 department of justice, after giving notice to the department of administration, may  
15 compromise the amount of ~~such~~ those payments but such compromises shall be  
16 subject to review by the department of workforce development. If the spouse or  
17 state-registered domestic partner under s. 770.05 of the deceased employee  
18 compromises his or her claim for a primary death benefit, the claim of the children  
19 of ~~such~~ the employee under s. 102.49 shall be compromised on the same proportional  
20 basis, subject to approval by the department. If the persons entitled to compensation  
21 on the basis of total dependency under s. 102.51 (1) compromise their claim,  
22 payments under s. 102.49 (5) (a) shall be compromised on the same proportional  
23 basis.

24 **SECTION 53.** 103.10 (1) (ar) of the statutes is created to read:

25 103.10 (1) (ar) "Domestic partner" has the meaning given in s. 770.01 (1).

1       **SECTION 54.** 103.10 (1) (b) of the statutes is amended to read:

2       103.10 (1) (b) "Employee" means an individual employed in this state by an  
3       employer, except the employer's parent, spouse, domestic partner, or child.

4       **SECTION 55.** 103.10 (1) (f) of the statutes is amended to read:

5       103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster  
6       parent, adoptive parent, stepparent, or legal guardian of an employee or of an  
7       employee's spouse or domestic partner.

8       **SECTION 56.** 103.10 (3) (b) 3. of the statutes is amended to read:

9       103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, or  
10       parent, if the child, spouse, domestic partner, or parent has a serious health  
11       condition.

12       **SECTION 57.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

13       103.10 (6) (b) (intro.) If an employee intends to take family leave because of the  
14       planned medical treatment or supervision of a child, spouse, domestic partner, or  
15       parent or intends to take medical leave because of the planned medical treatment or  
16       supervision of the employee, the employee shall do all of the following:

17       **SECTION 58.** 103.10 (6) (b) 1. of the statutes is amended to read:

18       103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment  
19       or supervision so that it does not unduly disrupt the employer's operations, subject  
20       to the approval of the health care provider of the child, spouse, domestic partner,  
21       parent, or employee.

22       **SECTION 59.** 103.10 (7) (a) of the statutes is amended to read:

23       103.10 (7) (a) If an employee requests family leave for a reason described in sub.  
24       (3) (b) 3. or requests medical leave, the employer may require the employee to provide  
25       certification, as described in par. (b), issued by the health care provider or Christian

1 Science practitioner of the child, spouse, domestic partner, parent, or employee,  
2 whichever is appropriate.

3 **SECTION 60.** 103.10 (7) (b) 1. of the statutes is amended to read:

4 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, or employee  
5 has a serious health condition.

6 **SECTION 61.** 103.10 (12) (c) of the statutes is amended to read:

7 103.10 (12) (c) If 2 or more health care providers disagree about any of the  
8 information required to be certified under sub. (7) (b), the department may appoint  
9 another health care provider to examine the child, spouse, domestic partner, parent,  
10 or employee and render an opinion as soon as possible. The department shall  
11 promptly notify the employee and the employer of the appointment. The employer  
12 and the employee shall each pay 50% of the cost of the examination and opinion.

13 **SECTION 62.** 103.165 (3) (a) 1. of the statutes is amended to read:

14 103.165 (3) (a) 1. The decedent's surviving spouse or state-registered domestic  
15 partner under s. 770.05.

16 **SECTION 63.** 103.165 (3) (a) 2. of the statutes is amended to read:

17 103.165 (3) (a) 2. The decedent's children if the decedent ~~shall leave~~ leaves no  
18 surviving spouse or state-registered domestic partner under s. 770.05.

19 **SECTION 64.** 103.165 (3) (a) 3. of the statutes is amended to read:

20 103.165 (3) (a) 3. The decedent's father or mother if the decedent ~~shall leave~~  
21 leaves no surviving spouse, state-registered domestic partner under s. 770.05, or  
22 children.

23 **SECTION 65.** 103.165 (3) (a) 4. of the statutes is amended to read:

1           103.165 (3) (a) 4. The decedent's brother or sister if the decedent shall leave  
2   leaves no surviving spouse, state-registered domestic partner under s. 770.05,  
3   children, or parent.

4           **SECTION 66.** 103.165 (3) (c) of the statutes is amended to read:

5           103.165 (3) (c) The amount of the cash bond, together with principal and  
6   interest, to which the deceased employee would have been entitled had the deceased  
7   employee lived, shall, as soon as paid out by the depository, be turned over to the  
8   ~~relative of the deceased employee~~ person designated under par. (a) effecting the  
9   accounting and withdrawal with the employer. The turning over shall be a discharge  
10   and release of the employer to the amount of the payment.

11          **SECTION 67.** 103.165 (3) (d) of the statutes is amended to read:

12          103.165 (3) (d) If no ~~relatives~~ persons designated under par. (a) survive, the  
13   employer may apply the cash bond, or so much of the cash bond as may be necessary,  
14   to paying creditors of the decedent in the order of preference prescribed in s. 859.25  
15   for satisfaction of debts by personal representatives. The making of payment under  
16   this paragraph shall be a discharge and release of the employer to the amount of the  
17   payment.

18          **SECTION 68.** 109.03 (3) (a) of the statutes is amended to read:

19          109.03 (3) (a) In case of the death of an employee to whom wages are due, the  
20   full amount of the wages due shall upon demand be paid by the employer to the  
21   spouse, state-registered domestic partner under s. 770.05, children, or other  
22   dependent living with the employee at the time of death.

23          **SECTION 69.** 109.03 (3) (b) of the statutes is amended to read:

24          109.03 (3) (b) An employer may, not less than 5 days after the death of an  
25   employee and before the filing of a petition or application for administration of the

1 decedent's estate, make payments of the wage due the deceased employee to the  
2 spouse, state-registered domestic partner under s. 770.05, children, parents, or  
3 siblings of the decedent, giving preference in the order listed.

4 **SECTION 70.** 109.03 (3) (c) of the statutes is amended to read:

5 109.03 (3) (c) If none of the ~~relatives~~ persons listed in par. (b) survives, the  
6 employer may apply the payment of the wage or so much of the wage as may be  
7 necessary to paying creditors of the decedent in the order of preference prescribed  
8 in s. 859.25 for satisfaction of debts by personal representatives.

9 **SECTION 71.** 146.81 (5) of the statutes is amended to read:

10 146.81 (5) "Person authorized by the patient" means the parent, guardian, or  
11 legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person  
12 vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m), or  
13 (4n), the guardian of a patient adjudicated incompetent in this state, the personal  
14 representative ~~or~~, spouse, or state-registered domestic partner under s. 770.05 of a  
15 deceased patient, any person authorized in writing by the patient or a health care  
16 agent designated by the patient as a principal under ch. 155 if the patient has been  
17 found to be incapacitated under s. 155.05 (2), except as limited by the power of  
18 attorney for health care instrument. If no spouse or state-registered domestic  
19 partner survives a deceased patient, "person authorized by the patient" also means  
20 an adult member of the deceased patient's immediate family, as defined in s. 632.895  
21 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent  
22 to consent to the release of records under this section as the person authorized by the  
23 patient to decide upon the release of records, if no guardian has been appointed for  
24 the patient.

1           **SECTION 72.** 155.30 (1) (form) of the statutes, as affected by 2007 Wisconsin Act  
2 106, is amended to read:

3           155.30 (1) (form)

4                               “NOTICE TO PERSON  
5                               MAKING THIS DOCUMENT

6           YOU HAVE THE RIGHT TO MAKE DECISIONS ABOUT YOUR HEALTH  
7 CARE. NO HEALTH CARE MAY BE GIVEN TO YOU OVER YOUR OBJECTION,  
8 AND NECESSARY HEALTH CARE MAY NOT BE STOPPED OR WITHHELD IF  
9 YOU OBJECT.

10          BECAUSE YOUR HEALTH CARE PROVIDERS IN SOME CASES MAY NOT  
11 HAVE HAD THE OPPORTUNITY TO ESTABLISH A LONG-TERM  
12 RELATIONSHIP WITH YOU, THEY ARE OFTEN UNFAMILIAR WITH YOUR  
13 BELIEFS AND VALUES AND THE DETAILS OF YOUR FAMILY  
14 RELATIONSHIPS. THIS POSES A PROBLEM IF YOU BECOME PHYSICALLY  
15 OR MENTALLY UNABLE TO MAKE DECISIONS ABOUT YOUR HEALTH CARE.

16          IN ORDER TO AVOID THIS PROBLEM, YOU MAY SIGN THIS LEGAL  
17 DOCUMENT TO SPECIFY THE PERSON WHOM YOU WANT TO MAKE  
18 HEALTH CARE DECISIONS FOR YOU IF YOU ARE UNABLE TO MAKE THOSE  
19 DECISIONS PERSONALLY. THAT PERSON IS KNOWN AS YOUR HEALTH  
20 CARE AGENT. YOU SHOULD TAKE SOME TIME TO DISCUSS YOUR  
21 THOUGHTS AND BELIEFS ABOUT MEDICAL TREATMENT WITH THE  
22 PERSON OR PERSONS WHOM YOU HAVE SPECIFIED. YOU MAY STATE IN  
23 THIS DOCUMENT ANY TYPES OF HEALTH CARE THAT YOU DO OR DO NOT  
24 DESIRE, AND YOU MAY LIMIT THE AUTHORITY OF YOUR HEALTH CARE  
25 AGENT. IF YOUR HEALTH CARE AGENT IS UNAWARE OF YOUR DESIRES

1 WITH RESPECT TO A PARTICULAR HEALTH CARE DECISION, HE OR SHE IS  
2 REQUIRED TO DETERMINE WHAT WOULD BE IN YOUR BEST INTERESTS IN  
3 MAKING THE DECISION.

4 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT GIVES YOUR AGENT  
5 BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. IT  
6 REVOKES ANY PRIOR POWER OF ATTORNEY FOR HEALTH CARE THAT YOU  
7 MAY HAVE MADE. IF YOU WISH TO CHANGE YOUR POWER OF ATTORNEY  
8 FOR HEALTH CARE, YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY  
9 DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN  
10 YOUR PRESENCE, BY SIGNING A WRITTEN AND DATED STATEMENT OR BY  
11 STATING THAT IT IS REVOKED IN THE PRESENCE OF TWO WITNESSES. IF  
12 YOU REVOKE, YOU SHOULD NOTIFY YOUR AGENT, YOUR HEALTH CARE  
13 PROVIDERS AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY.  
14 IF YOUR AGENT IS YOUR SPOUSE OR STATE-REGISTERED DOMESTIC  
15 PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR  
16 THE STATE-REGISTERED DOMESTIC PARTNERSHIP IS TERMINATED  
17 AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

18 YOU MAY ALSO USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE  
19 AN ANATOMICAL GIFT UPON YOUR DEATH. IF YOU USE THIS DOCUMENT  
20 TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT, THIS DOCUMENT  
21 REVOKES ANY PRIOR RECORD OF GIFT THAT YOU MAY HAVE MADE. YOU  
22 MAY REVOKE OR CHANGE ANY ANATOMICAL GIFT THAT YOU MAKE BY  
23 THIS DOCUMENT BY CROSSING OUT THE ANATOMICAL GIFTS PROVISION  
24 IN THIS DOCUMENT.